

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BIRCH, J. et al.

Atty. Ref.: 4145-14

Serial No. 10/501,777

Group: 1636

Filed: July 19, 2004

Examiner: Mitchell

For: GLUTAMINE-AUXOTROPHIC HUMAN CELLS
CAPABLE OF PRODUCING PROTEINS AND CAPABLE
OF GROWING IN A GLUTAMINE-FREE MEDIUM

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 14, 2010

Sir:

INFORMATION DISCLOSURE STATEMENT

Submitted herewith for the Examiner's consideration is a copy of references cited in a copending related application by a foreign patent office.

The present paper and attached are believed to be timely filed, under 37 CFR 1.97(c), and only require the payment of the requisite Rule 17(p) fee for consideration of the attached and return of an initialed copy of the attached PTO 1449 Form.

Specifically, the present Information Disclosure Statement is being filed

“before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application,” See Rule 97(c).

MPEP § 609.04(b) describes the period of Rule 97(c) as being

“prior to the prosecution of the application closes, i.e., before the mailing of a final Office action, a Notice of Allowance, or an Ex parte Quayle action, whichever is earlier”

In the present application, a Request for Continued Examination (RCE) was most-recently filed July 15, 2009. A first Office Action (non-final Action) on the merits was mailed September 28, 2009. The Patent Office has not mailed a final Office Action, a Notice of Allowance or an Ex parte Quayle Action.

Consideration of the present Information Disclosure Statement and attached references is believed to only require payment of the requisite Rule 17(p) fee, pursuant to Rule 97(c) and MPEP § 609.04(b).

Attached is a copy of a letter from Suzuye & Suzuye to Lonza Ltd. dated March 5, 2010 issued in connection with Japanese Patent Application No. 2003-554876 forwarding attached English translation of Japanese Office Action mailed January 26, 2010. The Office Action cited JP1988-502955 which the undersigned has been advised by Lonza Ltd. to be equivalent to JP63-502955 and equivalent to WO97/04462, which is of record in the present application. The Office Action cited JP1995-500969 which the undersigned has been advised by Lonza Ltd. to be equivalent to JP7-500969 and equivalent to WO93/09222, which is being filed herewith and is listed on the attached PTO 1449 Form. The Office Action cited JP1999-502719 which the undersigned has been advised by Lonza Ltd. to be equivalent to JP11-502719 and equivalent to WO97/08307, which is of record in the present application. The Office Action cited Cytotechnology, vol 22, pp 239-250 (1996), which is of record in the present application.

Attached is a copy of a letter from Suzuye & Suzuye to Lonza Ltd. dated March 5, 2010 issued in connection with Japanese Patent Application No. 2007-175977 forwarding attached English translation of Japanese Office Action mailed January 26, 2010. The Office Action cited the JP1988-502955, JP1999-502719 and

Cytotechnology, vol 22, pp 239-250 (1996), references noted above. The Office Action also cited Surgery, series 63, 5th, p544-549 (2001). A copy of the cited Surgery, series 63, 5th, p544-549 (2001), which is in Japanese, is attached. The attached English translation of the Office Action describes the Japanese Patent Office Examiner's reasons for citing Surgery, series 63, 5th, p544-549 (2001), as Reference 1 of the Office Action.

Return of an initialed copy of the attached PTO 1449 Form, pursuant to MPEP § 609 is requested.

The Office is authorized and requested to charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140.

The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required in this regard.

Respectfully submitted,
NIXON & VANDERHYE P.C.

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